

## **MEMORANDUM**

TO: Members, Utah State Board of Education

FROM: Patti Harrington, State Superintendent of Public Instruction

DATE: April 4, 2008

ACTION: Revision of R277-471, *Oversight of School Inspections*

### **Background:**

The revision of State Board of Education Rule R277-47, *Oversight of School Inspections* was an agenda item of the Finance Committee on March 7, 2008. Further revisions to the rule are being brought back to the Committee for consideration.

### **Overview:**

Because some school districts and charter schools have not paid close enough attention to timely school construction inspection reporting to USOE and to local municipal and county building officials, it is recommended that State Board of Education Administrative Rule R277-471, *Oversight of School Inspections* be revised to include two levels of consequences for noncompliance to the rule:

- If a school district or charter school fails to complete a required construction inspection or fails to submit a copy of an inspection summary to USOE or the local governmental entity, USOE shall withhold Minimum School Program funds in the same graduated manner as is specified in State Board Rule R277-484, *Data Standards* [R277-484-8, Financial Consequences of Failure to Submit Reports on Time].
- A non-refundable penalty in the amount of one half of one percent of the total construction cost shall be withheld from a school district or charter school which fails to report projects to USOE before construction begins. These funds shall be deducted from the respective school district's or charter school's Minimum School Program allotment and deposited into the School Building Revolving Loan for school districts or into the Charter School Building Revolving Loan subaccount for Charter Schools.

The Finance Committee asked that language be included that allows a school district or charter school to appeal a non-refundable penalty (paragraph R277-471-9-C) to the State Board of Education or the State Charter School Board. This language has been added to the rule. The Finance Committee also requested staff to verify that a non-refundable penalty is authorized under statute.

### **Anticipated Results:**

The Finance Committee will consider action on R277-471 *Oversight of School Inspections*.

**Contact:** Todd Hauber, 538- 7514; Larry Newton, 801-538-7668